

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JUNE 15, 2022

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APPLICATION OF

RPA ENERGY, INC.,
d/b/a GREEN CHOICE ENERGY

CASE NO. PUR-2022-00074

For a license to conduct business as a
competitive service provider

ORDER FOR NOTICE AND COMMENT

On June 10, 2022, RPA Energy, Inc., d/b/a Green Choice Energy ("Green Choice" or "Company") completed the filing of an application ("Application") with the State Corporation Commission ("Commission") for a license to conduct business a competitive service provider.¹ Green Choice seeks authority to provide retail electric supply service to eligible commercial, industrial, governmental, and residential customers in the service territories of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") and Appalachian Power Company ("APCo").² Green Choice also seeks authority to provide retail natural gas supply service to eligible commercial, industrial, governmental, and residential customers in the service territories of Washington Gas Light Company ("WGL") and Columbia Gas of Virginia, Inc. ("CVA").³ In its Application, the Company attested that it would abide by all applicable

¹ The Company filed public and confidential versions of its Application on May 10, 2022. On May 16, 2022, Commission Staff ("Staff") filed a Memorandum of Incompleteness. Green Choice then filed supplemental Application information on June 10, 2022, completing its Application.

² Retail choice for electricity exists only in the service territories of Dominion, APCo, and the electric cooperatives. Moreover, retail choice for electricity is permitted only pursuant to the customer classes, load parameter, and renewable energy sources as set forth in the Code of Virginia ("Code").

³ Retail choice for natural gas service presently exists only in the service territories of WGL and CVA. Access to large commercial and industrial gas customers in all gas distribution service territories has existed under Federal Energy Regulatory Commission authority since the mid-1980s.

regulations of the Commission as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services.⁴

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; Green Choice should provide notice of its Application to appropriate persons; interested persons should have an opportunity to comment on the Application; and the Staff should be directed to investigate the Application and present its findings in a report ("Staff Report"). We further find that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding. We note that the Application in this matter is subject to the statutory requirements set forth in Code § 56-235.8 F 1.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.⁵ Consistent with these actions, the Commission will, among other things, direct the electronic filing of testimony and pleadings, unless they contain confidential information, and require electronic service on parties to this proceeding.

⁴ 20 VAC 5-312-10 *et seq.*

⁵ See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, 2020 S.C.C. Ann. Rept. 76, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* 2020 S.C.C. Ann. Rept. 78, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, 2020 S.C.C. Ann. Rept. 79, Order Requiring Electronic Service (Apr. 1 2020).

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2022-00074.

(2) All pleadings in this matter shall be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").⁶ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.⁷

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk so that no party or the Staff is impeded from preparing its case.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to rule on any discovery issues that may arise during the course of this proceeding.

⁶ 5 VAC 5-20-10 *et seq.*

⁷ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

(5) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to Brian Trombino, President, RPA Energy, Inc., 14 Wall Street, Floor 2, Huntington, New York 11743 btrombino@greenchoiceenergy.com. The Company shall, within three (3) days of receipt of such request, serve the requested documents upon the person making such request. A copy of the Application also may be viewed or downloaded from the Commission's website: scc.virginia.gov/pages/Case-Information.

(6) On or before June 22, 2022, Green Choice shall serve a copy of this Order upon the utilities listed on Attachment A to this Order.⁸

(7) On or before June 29, 2022, the Company shall file with the Clerk of the State Corporation Commission, at scc.virginia.gov/clk/efiling/, proof of service upon the utilities listed on Attachment A to this Order as required by Ordering Paragraph (6).

(8) On or before July 1, 2022, any interested person may submit comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of such comments shall be served upon the Company at the email address set forth in Ordering Paragraph (5). Such comments simultaneously shall be sent to Richard Michaux,

⁸ See the Commission's Order Requiring Electric Service in Case No. CLK-2020-00007, *supra* n.5.

Principal Utility Compliance Specialist, at Richard.Michaux@scc.virginia.gov.⁹ All comments shall refer to Case No. PUR-2022-00074.

(9) The Staff shall analyze Green Choice's Application and shall present its findings in a Staff Report to be filed on or before July 8, 2022.

(11) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(13) This matter is continued.

⁹ Those without access to electronic mail may serve a copy of such comments on the Company at the address in Ordering Paragraph (5) and on Richard Michaux, Principal Utility Compliance Specialist, State Corporation Commission, Division of Utility Accounting & Finance, P.O. Box 1197, Richmond, Virginia 23218.

ATTACHMENT A

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